

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES**

JULY 9, 2002

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Florence Bos, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn
(Report given by Laura Aguilera, Assistant Executive
Officer)

The Board was advised of the following:

- A. Budget Update: A Budget letter was issued regarding the abolishment of a minimum of 6,000 vacant positions and the \$300 million in associated dollars effective July 1, 2002. The Department of Finance will select the positions to be eliminated from among all the positions that were vacant on June 30, 2002. Positions in public safety or providing 24-hour care and some agencies are specifically

**The State Personnel Board Summary Minutes can be obtained at the following Internet address:

<http://www.spb.ca.gov/spbmeet/spbminrd.cfm>

exempted from these reductions. This reduction is an addition to the existing 15% budget reduction.

- B. Bilingual Services: The State Personnel Board has been advised that the Legislature will conduct another hearing on Bilingual Services in state government to be held in Oakland, California on July 24, 2002. The hearing will highlight efforts undertaken by state agencies in compliance with the Dymally-Alatorre Bilingual Services Act.
- C. The State Personnel Board in partnership with the Employment Development Department and the California Science Center participated in a Career Fair sponsored by Senator Kevin Murray. The event was held in Los Angeles, California on June 28, 2002, and featured more than 60 employers from federal, state and local government community/service agencies, school districts and private sector. Over 3,000 individuals attended the event.
- D. The statutory authorization for the Department of Information Technology (DOIT) ended July 1, 2002. The Governor has signed Executive Order D-59-02 ordering that each agency assume responsibility for oversight of the management of ongoing information technology projects and procurements within the agency's jurisdiction effective July 1, 2002. Each agency will report to the Department of Finance on steps they will take to increase agency oversight of major information technology projects and procurements and to ensure that such projects stay on course, on time and on budget. The Department of Finance will issue further instructions and will become the successor to and custodian of all records and papers held by DOIT in its former role.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on the following:

Litigation:

- A. Henderson v. State Personnel Board/California Youth Authority - Oral argument before the 3rd District Court of Appeal is scheduled for September 18, 2002. State Personnel Board will appear as the court

July 9, 2002

ordered State Personnel Board to file a brief and has ordered all parties to appear. Issue is applicability of the Administrative Procedures Act to State Personnel Board Administrative Law Judge's credibility determinations.

- B. Casanova v. State Personnel Board - Superior court has upheld the State Personnel Board's decision sustaining California Highway Patrol's disciplinary action.
- C. State Personnel Board v. Department of Personnel Administration/California Employees Association(Post and Bid) - Hearing on the merits of constitutionality of "post and promote" MOU provisions is scheduled for July 12, 2002.

Other:

- A. Chief Counsel Elise Rose received a complimentary letter from Robert Dresser, Chief Counsel of the Department of Information Technology (DOIT), thanking the State Personnel Board for the excellent mediation services it provided to DOIT in its last few months.

4. REPORT ON LEGISLATION - Judy Balmain

The Board voted on the following:

- A. AB 1357 (Wiggins) would ensure that state contractors provide their employees benefits that are comparable to the benefits that the state provides to its own employees. The bill will create an additional workload for the State Personnel Board and should be amended to require departments whose contracts are challenged to fully reimburse the State Personnel Board for costs it incurs when reviewing the challenged contracts. SUPPORT IF AMENDED
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye

The Board was advised of the following:

- A. SB 1503 (Ackerman) a Board sponsored bill, would have provided that a lawsuit challenging a decision of the State Personnel Board must be filed within 90 days either where the challenged State Personnel

Board decision provides for reinstatement and/or backpay, or where a reversal of the State Personnel Board decision by a court could result in reinstatement and/or backpay. The bill passed the Senate and was set to be heard in Assembly Appropriations; the State Personnel Board dropped the bill after receiving some union opposition and being unable to reach a compromise.

- B. The State Personnel Board's legislative proposal that would have amended the law to allow the State Personnel Board to examine for information technology classifications on a position-specific basis was put over for this year to allow further discussions with all parties on this issue.
- C. SB 987 (Escutia) the Bilingual bill, will be amended to include Assemblymember Herb Wesson as a co-author, according to the Assemblymember's staff person.
- D. There was a brief discussion on the status of the state budget.

5. PERS UPDATE - Sean Harrigan

- A. CalPERS Chief Executive Officer, James Burton has announced his departure. A national executive search for Mr. Burton's replacement is expected to result in a new appointment by October 2002.
- B. CalPERS Board President, William Crist and Michael Flaherman, Chairperson of the Board Investment Committee have decided not to run for another term when their current terms expire on January 15, 2003.
- C. Health plan premium rates continue to rise. A dramatic increase in proposed rates submitted by the health plans for the year 2003 is unprecedented. After much discussion, further negotiations and study of all alternatives, the Board decided to consolidate most of the current HMO's. Two of the larger plans, Health Net and PacificCare will be eliminated. CalPERS will offer Blue Shield HMO, Kaiser Permanente and one regional plan. It is

July 9, 2002

anticipated that up to 150,000 families will need to change health insurance plans, however, 75-90% will be able to remain with their current physician because the remaining plans also contract with these same doctors.

D. A more complete written report will be provided at the
August 6-7, 2002, Board meeting.

6. HEARING - PSC NO. 02-01: Appeal of the Department of Parks and Recreation from the Executive Officer's December 17, 2001, Disapproval of a Contract with Royston Hanamoto Alley & Abey in response to the request for review submitted by the California Association of Professional Scientists.

Persons Participating:

Tara E. Lynch, Staff Counsel, Department of Parks and Recreation
Karen J. Wilson, Vice President, California State Parks Foundation
Steven Bassoff, Attorney at Law, representing California Association of Professional Scientists
Chris Voight, Staff Director, California Association of Professional Scientists

ACTION: Submitted

7. HEARING - PSC NO. 02-02: Appeal of the International Union of Operating Engineers from the Executive Officer's January 31, 2002, Approval of a Contract between the State Personnel Board and Kronick, Moskovitz, Tiedemann & Girard for legal services.

Persons Participating:

Bruce Monfross, Staff Counsel, California State Personnel Board
Matthew J. Gauger, Attorney at Law, Van Bourg, Weinberg, Roger & Rosenfeld, representing International Union of Operating Engineers

ACTION: Submitted

July 9, 2002

8. ORAL ARGUMENT

Oral argument in the matter of VIRGINIA PARKER, CASE NO. 00-3983. Appeal from ten percent reduction in salary for 12 months. Department of Corrections.

Persons Participating:

Steve Jennings, Staff Counsel, representing Department of Corrections

Wendell J. Llopis, Attorney at Law, representing appellant

ACTION: Submitted

9. ORAL ARGUMENT

Oral argument in the matter of MARIE ROSE JOHNSON, CASE NO. 01-1461E. Appeal from discrimination complaint. Department of Social Services.

Persons Participating:

Charlene Lopez, Senior Staff Counsel, Supervisor, representing Department of Social Services

Michael Posner, Attorney at Law, Posner & Rosen LLP, representing appellant

ACTION: Submitted

10. ORAL HEARING

Oral argument in the matter of NATHANIEL MATTHEWS, CASE NO. 01-2356. Appeal from suspension for 60 workdays. Department of Corrections.

Persons Participating:

Cinda Ann Caine, Staff Counsel, representing Department of Corrections

Appellant did not appear.

ACTION: Submitted

11. HEARING - The Department of Personnel Administration proposes establishment of the non-testing classes of Maintenance Aide (Seasonal)(Angel Island) and Senior Maintenance Aide (Seasonal)(Angel Island); and designation of these classes as "sensitive" pursuant to 2CCR 213.

Persons Participating:

Martha Esmael, Staff, California State Personnel Board
Karen Sanders, Staff Personnel Program Analyst,
Department of Personnel Administration
Pam Armas, Manager, Personnel Services Division, Parks
and Recreation
Randy Fisher, Labor Relations Officer, Department of
Personnel Administration

ACTION: Adopted July 9, 2002.

VOTE: Alvarado, Elkins, Bos - Aye.

Member Harrigan abstained.

12. HEARING - Status of the State's Decentralized Testing.

Persons Participating:

Shelley Langan, Staff, California State Personnel Board
Rueben Jimenez, SPIN
Karen Desmarrias, Department of Consumer Affairs

Barbara Warner, Department of Health Services
Ruth Dragash, Department of Corrections
Neil Johnson, California State Employees Association
(CSEA)
Kathleen O'Conner, CSEA
Jim Hard, CSEA
Olin King, Association of California State Supervisors
Ken Murch, California Association of Psychiatric
Technicians
Tim O'Donoghue, California Department of Forestry
Firefighters Association
Bronda Silva, County of Sacramento
Reggie Toran
Rasoul Rahimi, Department of Motor Vehicles
Linda Roberts, State Teachers Retirement System

ACTION: Submitted

BOARD ACTIONS

13. STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 18, 2002

ACTION: Adopted on July 9, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

14. ACTION ON SUBMITTED ITEMS

ACTION: See page 21.

15. ADMINISTRATIVE LAW JUDGE CASES

On July 9, 2002, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Bos, Harrigan - Aye.

VOTE: President Alvarado dissented on the Proposed Decision for Callious Ketchum, Case No. 02-0116.

REJECTED AND REMANDED DECISION

BUD JONES, CASE NO. 97-2711R

Appeal from demotion

Supervising Tax Auditor II to the position of Supervising Tax Auditor I

ACTION: Demotion modified to three months suspension

CHIEF COUNSEL RESOLUTION

MARY ANN VERDERBER, CASE NO. 01-1319

Appeal from withhold

Case Records Supervisor

Department of Corrections

ACTION: Board adopted a resolution modifying its earlier decision

PROPOSED DECISIONS

BRIAN IMAI, CASE NO. 02-0540

Appeal from five-percent reduction
in salary for six months

Caltrans Equipment Operator I
Department of Transportation
ACTION: Five-percent reduction in salary for six months
sustained

CALLIOUS KETCHUM, CASE NO 02-0116
Appeal from dismissal
Senior Legal Typist
Department of Health Services
ACTION: A majority of the Board adopted the proposed
decision, but reduced the penalty to a 9 month
suspension.
President Alvarado dissented.

JAMES LANGFORD, CASE NO. 02-0526
Appeal from five-percent reduction
in salary for six months
Prison Canteen Manager II
North Kern - State Prison
Department of Corrections
ACTION: Five-percent reduction in salary for six months
sustained

DANNY R. MORAGA, CASE NO. 01-2644 & 01-3996
Appeal from twenty-two working days suspension
and involuntary transfer
Appeal from three months suspension
Fish and Game Warden
Department of Fish and Game
ACTION: Twenty-two days suspension and involuntary
transfer sustained. Three months suspension revoked

CITO R. RETUTAL, CASE NO. 00-3210
Appeal from non-punitive termination
Correctional Officer
Calipatria - State Prison
Department of Corrections
ACTION: Non-punitive termination revoked

PEGGY FURLOW, CASE NO. 02-0678
Appeal from five-percent reduction
in salary for twelve months
Correctional Officer
Folsom - State Prison
Department of Corrections
ACTION: Five-percent reduction in salary for twelve
months sustained

FAYANNE M. VOGT, CASE NO. 01-3900

July 9, 2002

Appeal from dismissal
Correctional Officer
Calipatria - State Prison
Department of Corrections
ACTION: Dismissal revoked

NORMAN W. RICE, CASE NO. 01-3610
Appeal from demotion from the position
of Associate Tax Auditor to the
position of Tax Auditor, Range B,
State Board of Equalization
ACTION: Demotion modified to five-percent reduction in
salary for twelve months

GREG MCNAMEE, CASE NO. 01-3888
Appeal from demotion from the position
of Supervising Tax Auditor I to the
position of Associate Tax Auditor
State Board of Equalization
ACTION: Demotion modified to five-percent reduction in
salary for twelve months

WILLIAM HARTER, CASE NO. 01-3418
Appeal from official reprimand
Hearing Reporter
Public Utilities Commission
ACTION: Official reprimand sustained

MANUEL GRANADOS, CASE NO. 02-0112
Appeal from demotion from the position
of Senior Psychiatric Technician (Safety)
to the position of Psychiatric Technician
(Safety)
Napa - State Hospital
Department of Mental Health
ACTION: Demotion sustained

PETER TURNER, CASE NO. 01-2624
Appeal from thirty working days' suspension
Transportation Surveyor
Department of Transportation
ACTION: Thirty working days suspension modified to a ten
working days suspension

DAVID NUNEZ, CASE NO. 00-0027

Appeal from thirty calendar days suspension
Correctional Lieutenant
Delano - State Prison
Department of Corrections
ACTION: Thirty calendar day suspension revoked

MASON LEONARD, CASE NO. 02-0476
Appeal from dismissal
Caltrans Electrician II
Department of Transportation
ACTION: Dismissal sustained

REGINA BARRON, CASE NO. 01-0865
Appeal from dismissal
Motor Vehicle Field
Representative (MVFR) (Range C)
Department of Motor Vehicles
ACTION: Dismissal sustained

LYDIA R. TYLER, CASE NO. 00-2369
Appeal from dismissal
Associate Caltrans Administrator
Department of Transportation
ACTION: Dismissal sustained

GENE WALTERS, CASE NO. 02-0721
Appeal from thirty calendar days suspension
Vocational Instructor
Blythe - State Prison
Department of Corrections
ACTION: Thirty calendar days suspension sustained

SUSAN FEYL, CASE NO. 01-3241
Appeal from thirty calendar days suspension
Utilities Engineer
Public Utilities Commission
ACTION: Thirty calendar days suspension sustained

MICHAEL S. ERICKSON, CASE NO. 01-4139
Appeal from dismissal
Correctional Sergeant
Richard Donovan - Correctional Facility
Department of Corrections

ACTION: Dismissal sustained

PATRICK OSBORNE, CASE NO. 01-2699
Appeal from dismissal
Transportation Surveyor
Department of Transportation
ACTION: Dismissal sustained

PETITIONS FOR REHEARING

MINERVA MARTINEZ DANIEL, CASE NO. 01-1956P
Appeal from dismissal
Principal Driver Safety Officer
Department of Motor Vehicles
ACTION: Petition for rehearing filed by
appellant denied

JANIS TAYLOR, CASE NO. 00-3268P
Appeal from backpay from granting of
merit issue complaint
Staff Services Analyst (General)
Department of Health Services
ACTION: Petition for rehearing filed by
appellant denied

EVELYN YOUNG, CASE NO. 00-3016
Appeal from 15 working days suspension
Supervising Governmental Auditor I
Department of Aging
ACTION: Petition for rehearing filed by
respondent denied

MIKE DORRI, CASE NO. 00-2927
Appeal from rejection during
probationary period
Transportation Engineer (Civil)
Department of Transportation
ACTION: Petition for rehearing filed by
respondent denied

PARVIZ KARIM-PANAHI, CASE NO. 02-1604
Appeal of whistleblower retaliation
Department of Transportation
ACTION: Petition for rehearing filed by appellant denied

STIPULATIONS

MICHAEL S. PITTMAN, CASE NO. 00-0537B
Appeal for determination of back salary,
benefits and interest after reinstatement
Fire Captain
California Department of Forestry
and Fire Protection
ACTION: Board approved the parties' stipulation for
settlement

RICHARD MALDONADO, CASE NO. 00-0567
Appeal from retaliation and discrimination
Fire Captain
California Department of Forestry and Fire Protection
ACTION: Board approved the parties' stipulation for
settlement

16. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 22-24.

17. WITHHOLD APPEALS
On July 9, 2002, the Board adopted the following
decisions presented by Laura Aguilera, Assistant
Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

RAMON CAMACHO, CASE NO. 01-2335
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CONRAD COSICO, CASE NO. 01-2442
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MARTHA GOMEZ, CASE NO. 01-2645
Classification: Youth Correctional Officer
California Youth Authority
ACTION: GRANTED

PETER HOM, CASE NO. 01-2331
Classification: Associate Programmer Analyst
(Specialist)

State Personnel Board
ACTION: DENIED

PETER HOM, CASE NO. 01-2333
Classification: Assistant Information
Systems Analyst
Department of General Services
ACTION: DENIED

GARY JUNGELS, CASE NO. 01-0936
Classification: Hospital Police Officer I
Department of Mental Health
ACTION: GRANTED

RENEE KEYS, CASE NO. 01-2353
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JOE MADRID, CASE NO. 01-0898
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

PHILLIP MATTHEWS, CASE NO. 01-2379
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

MARK MEDINA, CASE NO. 01-1694
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JUAN MENDOZA-ROYAL, CASE NO. 01-2196
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

BOYD REESE, CASE NO. 01-2376
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

DANIELLE RODRIGUEZ, CASE NO. 01-0914
Classification: Correctional Officer
Department of Correction
ACTION: DENIED

MICHAEL ROSEBOROUGH, CASE NO. 01-2197
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CONSUELO RUIZ, CASE NO. 01-2192
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

WILLIAM SCHNEIDER, CASE NO. 01-2406
Classification: Hospital Police Officer
Department of Mental Health
ACTION: DENIED

TROY SEARCY, CASE NO. 01-2412
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

TIMOTHY SNYDER, CASE NO. 01-2403
Classification: Cadet, CHP
California Highway Patrol
ACTION: DENIED

OSCAR SOTO, CASE NO. 01-2413
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

JACQUELYN TIFFORD, CASE NO. 01-2411
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

GUSTAVO TIRAN, CASE NO. 01-2404
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

MICHAEL VOSS, CASE NO. 01-2414
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

CARL WORSHAM, CASE NO. 01-2392
Classification: Correctional Officer

July 9, 2002

Department of Corrections

ACTION: DENIED

WENTING ZHANG, CASE NO. 01-2400

Classification: Associate Programmer Analyst

Employment Development Department

ACTION: DENIED

18. MEDICAL APPEALS

On July 9, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

JAMIE BARR, CASE NO. 00-4325

Classification: Medical Technical

Assistant, CF

Department of Corrections

ACTION: DISMISSED

LLOYD BENSON, CASE NO. 02-1657

Classification: Correctional Officer

Department of Corrections

ACTION: DISMISSED

PATRICK ERB, CASE NO. 02-1646

Classification: Correctional Officer

Department of Corrections

ACTION: DISMISSED

CHRIS FIELDS, CASE NO. 02-0823

Classification: Psychiatric Technician
(Safety)

Department of Mental Health

ACTION: DISMISSED

NESTOR GONZALEZ, CASE NO. 02-1610

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

HOLLY KOCH, CASE NO. 01-2572

Classification: Correctional Officer

Department of Corrections

ACTION: DISMISSED

LAURIE LATOUR, CASE NO. 02-1812

Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

JAMES LYNCH, CASE NO. 02-1813
Classification: Correctional Officer
Department of Corrections
ACTION: GRANTED

IVAN MONTELONGO, CASE NO. 02-0489
Classification: Youth Correctional Counselor
California Youth Authority
ACTION: DISMISSED

GREGORY WEEKS, CASE NO. 01-3067
Classification: Youth Correctional
Counselor
California Youth Authority
ACTION: DENIED

19. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS
On July 9, 2002, the Board adopted the following
decisions presented by Laura Aguilera, Assistant
Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Minimum Qualification Appeal)

RENEE VINCENT-FINCH, CASE NO'S 00-3200 and 01-1695
Classification: Staff Services Manager I
And Associate Governmental Program Analyst
Secretary of State
ACTION: DENIED

(Merit Issue Complaint Appeal)

STEPHEN VAN ZEE, CASE NO. 01-3017
Classification: Deputy Inspector General
Office of Inspector General
ACTION: GRANTED

20. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS
RULE 211 APPEALS

On July 9, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Voided Appointment Appeal)

ELIAS HAMEL, CASE NO. 01-3275
Classification: Transportation Engineer
(Civil)
Department of Transportation
ACTION: GRANTED

(Rule 211 Appeal)

DAVID ARAGON, CASE NO. 01-3621
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED

21. REQUEST TO FILE CHARGES CASES

On July 9, 2002, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

(Request to File Charges Case)

LAUREL J. RIGGS, CASE NO. 01-3792
Classification: Staff Services Analyst
State Personnel Board
ACTION: SUBMITTED

22. NON-HEARING CALENDAR

On July 9, 2002, the Board adopted items A-B. These items were presented by Karen Coffee, Chief, Personnel Resources and Innovations Division, California State Personnel Board.
VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

A. PRISON INDUSTRIES MANAGER (GENERAL)
PRISON INDUSTRIES ADMINISTRATOR
PRISON INDUSTRIES MANAGER (VARIOUS ENTERPRISES)

July 9, 2002

The Department of Prison Industry Authority proposes to revise the series specifications for the classes of Prison Industries Manager (General), Prison Industries Administrator and Prison Industries Manager (Various Enterprises) to bring into congruity the current use of the classes and to incorporate a change in the allocation guidelines.

- B. SENIOR MAINTENANCE AIDE (SEASONAL)
MAINTENANCE AIDE (SEASONAL)
PARK AIDE (SEASONAL)
PARK AIDE (SEASONAL)(ANGEL ISLAND)
SENIOR PARK AIDE (SEASONAL)

The proposed establishment of the nontesting classification of Senior Maintenance Aide (Seasonal); and proposed specification revisions to the nontesting classifications of Maintenance Aide (Seasonal), Park Aide (Seasonal), Park Aide (Seasonal)(Angel Island), and Senior Park Aide (Seasonal).

23. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

Staff has approved the following actions:

- A. MEDICAL TECHNICAL ASSISTANT (PSYCHIATRIC)
The Department of Mental Health proposes revisions to the minimum qualifications of the Medical Technical Assistant (Psychiatric) series specification to eliminate the requirement for one year experience within the last three years in order to increase candidate pool and clarify existing education requirements to correspond with current language in the government code.

ACTION: Noted

24. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

- (1) DEPUTY SECRETARY MANAGER (FAIRTIME OPERATIONS)
DEPUTY SECRETARY MANAGER (NON-FAIRTIME OPERATIONS)

The Department of Food and Agriculture proposes to allocate the above positions to the CEA

July 9, 2002

category. The Deputy Secretary Manager (Fairtime Operations) will serve as key advisor to the Chief Executive Officer (CEO) and manager three major departments responsible for Fairtime Operations which include Exhibits, Concessions and Marketing/Sales Departments. The Deputy Secretary Manager (Non-Fairtime Operations) will serve as chief advisor to the CEO and primarily oversee the 22nd District Agricultural Association Non-Fairtime Operations and manage the Events, Operations, Security, Telecommunications and Horsepark Departments. The department indicates that both positions will be at the second organizational level and report to the CEO.

- (2) CHIEF, OPERATIONS SUPPORT BUREAU
CHIEF, DEPARTMENTAL SERVICES BUREAU
The Department of Justice proposes to allocate the above positions to the CEA category. The Operations Support Bureau Chief will be responsible for planning, organizing and directing the Operations Support Bureau, consisting of the Field Operations and Applicant Agency Compliance and Training Unit, the Child Support Program, and the Automated Criminal History Audits Unit. The Departmental Services Bureau Chief will be responsible for planning, organizing and directing the Departmental Services Bureau, consisting of the Computer Services, Departmental Applications, and Regional Support programs. The department indicates that both positions will be at the third organizational level and report to the Chief Information Officer.
- (3) DEPUTY DIRECTOR, EMPLOYMENT PREPARATION SERVICES
The Department of Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, Employment Preparation Services will be responsible for oversight of nine District Offices in the geographic region of Northern and Central California, the newly retitled Workforce Development Section and the Collaborative Services Section, which is comprised of the Cooperative Education and Welfare Programs, Inter-Agency Linkages, and the Human Services Cooperative Programs. The department indicates that the position will be

July 9, 2002

at the second organizational level and report to the Chief Deputy Director.

(4) ASSISTANT EXECUTIVE DIRECTOR, ADMINISTRATION
SAN FRANCISCO BAY CONSERVATION & DEVELOPMENT
COMMISSION

The California Coastal Commission proposes to allocate the above position to the CEA category.

The Assistant Executive Director, Administration will be responsible for the management and practice of all administrative policy for the San Francisco Bay Conservation and Development Commission, including accounting, budgets, business services, clerical, Commission meetings, contracts, facility operations, information technology, personnel and records management. The department has indicated that the position will be at the second organizational level and report to the Executive Director.

(5) ASSISTANT DIVISION CHIEF, DIVISION OF COMMUNITY
AFFAIRS

The Department of Housing and Community Development proposes to allocate the above position to the CEA category. The Assistant Division Chief will be responsible for overseeing

the day-to-day operations of the division that is comprised of the Programs and Marketing Branch and the Monitoring and Management Branch.

The department has indicated that the position will be at the second organizational level and report to the Deputy Director.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. STATE PERSONNEL BOARD STAFF'S REPORT ON THE STATUS OF THE STATE DISCRIMINATION COMPLAINT PROCESS. (Hearing held March 5, 2002).

ACTION: Approved July 9, 2002.

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.

2. KIMBERLY ARNOLD, CASE NO. 00-3959. Appeal from dismissal. Department of Corrections. (Oral argument held May 7, 2002).

NO ACTION

3. STEPHANIE RODRIGUEZ, CASE NO. 99-5150; DARRELL SNELL, CASE NO. 00-0002; RENEE VILLARREAL, CASE NO. 00-0030; AND WAYNE VILLARREAL, CASE NO. 00-0033. Appeal from suspension. Department of Corrections. (Oral argument held May 7, 2002).

NO ACTION

4. EXPEDITED HEARINGS - PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 52.4. (Hearing held May 7, 2002).

NO ACTION

5. ANSWER ON APPEALS FILED WITH STATE PERSONNEL BOARD. PROPOSED AMENDMENT TO STATE PERSONNEL BOARD RULE 63. (Hearing held May 7, 2002).

NO ACTION

6. PAUL SULIER, CASE NO. 01-2626. Appeal from demotion. Department of Corrections. (Oral argument held June 18, 2002).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending

before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

July 9, 2002

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby

July 9, 2002

extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 9, 2002.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Bos, Harrigan - Aye.